

REMARKS/ARGUMENTS

This Amendment supplements the Amendment dated June 3, 2008.

By the present Amendment, Applicant has amended claim 1 to now recite, among other things, that the server that stores instant message content is "for aggregating instant messaging content including program IDs from the users corresponding to the multiple television programs being viewed by the users, so that video programming activity by multiple users viewing television programs can be tracked on a real time basis at the server in order to reflect moment-by-moment the level of instant messaging activity corresponding to multiple television programs being viewed by the multiple users."

The Examiner states in the Advisory Action (dated June 25, 2008) that **Bruck** discloses programming IDs associated with each of the sent messages and aggregating program IDs in order to track programming activity, referencing claim 18, and cols. 7, 10 and 13.

Applicant points out that the chat server described in **Bruck** does not aggregate program IDs in order to track programming activity. Claim 18 in **Bruck** refers to a template that is provided to the user in response to selection of a chat icon or link (a "chat request"), such template based on the program being viewed (see col. 9, lines 32-57). Furthermore, a viewer in **Bruck** is sent to a chat room based on the program being viewed after selection of the chat icon (e.g., icon 104 in Fig. 5). All users at that chat room are viewing the same program (col. 7, lines 26-42). No program IDs are sent with each instant message displayed at the chat room. In fact there is no need for program IDs to be associated with each sent instant message since all users are viewing the same television show. The lines referenced by the Examiner at col. 10 of **Bruck** refer to a program identifier for the chat room, not a program ID "associated with each of the sent instant messages."

While claim 1 as previously presented is believed distinguishable from **Bruck**, in order to advance prosecution, Applicant has amended claim 1 to emphasize the features of "users viewing multiple television programs," and "programming IDs from the users corresponding to multiple television programs," so that the "instant messaging activity corresponding to multiple

television programs can be tracked." Such features are clearly not disclosed or suggested in **Bruck**.

CONCLUSION

In view of the foregoing, Applicants believe all claims now pending in this Application are in condition for allowance and an action to that end is respectfully requested.

If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at 303-571-4000.

Respectfully submitted,

/Stephen F. Jewett/
Stephen F. Jewett
Reg. No. 27,565

TOWNSEND and TOWNSEND and CREW LLP
Two Embarcadero Center, Eighth Floor
San Francisco, California 94111-3834
Tel: 303-571-4000
Fax: 415-576-0300
SFJ:ss
61435607 v1